

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

THOMAS J. KLUTHO,	)	
	)	
Plaintiff,	)	
	)	Case No. 4:20-cv-01862-CDP
v.	)	
	)	
JK POWERHOUSE LLC, JAMES J.	)	
BUTLER, BRAD M. SOWERS, AND	)	
JIM BUTLER IMPORTS, LLC	)	JURY TRIAL DEMANDED
	)	
Defendants.	)	

**DEFENDANTS’ MOTION TO DISMISS  
OR ALTERNATIVELY, TO STAY AND TO COMPEL INDIVIDUAL ARBITRATION**

Defendants, by and through their attorneys, hereby move this Court, pursuant to Section 4 of the Federal Arbitration Act (“FAA”), 9 U.S.C. § 4, and Fed. R. Civ. P. 12(b)(6), for an order dismissing Plaintiff’s Complaint, or alternatively staying this action, and compelling individual arbitration of the proceedings Plaintiff has instituted against Defendants due to the arbitration agreement Plaintiff entered. In support of their motion, Defendants incorporate their Memorandum of Law and the Declaration of Brad M. Sowers, filed contemporaneously herewith.

WHEREFORE, for the foregoing reasons, Defendants respectfully request that this Court find that Plaintiff’s claims are subject to binding individual arbitration, compel individual arbitration of all of Plaintiff’s claims, dismiss this lawsuit, and grant Defendants such other and further relief as this Court deems appropriate under the circumstances at bar.

Respectfully submitted,

Dated: January 22, 2021

By: /s/Glennon P. Fogarty

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***Attorneys for Defendants Jim Butler Imports,  
LLC, James J. Butler, Brad M. Sowers, and  
JK Powerhouse LLC,***

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 22nd day of January, 2021, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon Counsel of Record, and via electronic mail this 22nd day of January, 2021 upon the following:

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/s/ Glennon P. Fogarty